

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

ISSUANCE OF CHAPTER 13 DISCHARGES

Administrative Order no. 07-05

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) requires the debtor to meet certain requirements before a discharge can be issued in a chapter 13 case. In order to provide for the efficient processing of chapter 13 cases under BAPCPA, the Court has adopted a new local form entitled “Chapter 13 Debtor(s) Affidavit Demonstrating Entitlement to Discharge.” In compliance with 11 U.S.C. Section 1328, the court hereby

ORDERS that:

1. A debtor seeking entry of a discharge under 11 U.S.C. Section 1328(a) in a case filed on or after October 17, 2005, shall file the local form “Chapter 13 Debtor(s) Affidavit Demonstrating Entitlement to Discharge” and Official Form B23, “Debtor’s Certification of Completion of Post Petition Instructional Course Concerning Personal Financial Management.”
2. Upon the timely filing of the “Chapter 13 Debtor(s) Affidavit Demonstrating Entitlement to Discharge” and Official Form B23, the Clerk’s Office will schedule a default hearing on the debtor’s request for a discharge.
3. If no objections to the discharge are filed pursuant to Bankruptcy Rule 9014 and Local Bankruptcy Rule 9013-1 and the debtor is otherwise eligible to receive a discharge, the Court may issue a discharge in the case.

4. If either the "Chapter 13 Debtor(s) Affidavit Demonstrating Entitlement to Discharge" or Official Form B23 are not timely filed, the case will be closed without a discharge.


5. If a case is closed without a discharge, the debtor must file a motion to reopen the case and pay a fee equal to the filing fee for a chapter 13 petition in order to obtain a discharge.

The fee to reopen a case to obtain a discharge cannot be waived.

This Order is effective immediately.

Dated: December 11th, 2007

SO ORDERED



Stephen D. Gerling
Chief United States Bankruptcy Judge